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| 10/829,091 | 04/20/2004 | John C. Eidson | 10040199-1 | 6015 |
| 7590 04/03/2008 AGILENT TECHNOLOGIES, INC. Legal Department, DL429 Intellectual Property Administration P.O. Box 7599 Loveland, CO 80537-0599 | | | EXAMINER JACOBS, LASHONDA T | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/829,091

Applicant(s)

EIDSON ET AL.

Examiner

LASHONDA T. JACOBS

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-16 and 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date 10/3/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicants' amendment filed on January 3, 2008.

Claims 9, 17 and 23 have been cancelled. Claims 1, 10 and 18 have been amended. Claims **1-8**, **10-16** and **18-22** are presented for examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-8**, **10-16** and **18-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Burch et al (hereinafter, "Burch", U.S. Pub. No. 2004/0203437) in view of Vandermeijden (U.S. Pat. No. 6,804,524).

As per claim 1, Burch discloses a measurement/control system, comprising:

- configuration data source that provides a set of configuration data that specifies a measurement/control function (paragraphs 0021 and 0022; Burch discloses measuring attributes of the devices such as date, time, light levels, etc.); and
- a set of distributed devices each having means for obtaining the configuration data from the configuration data source and means for diffusing the configuration data among the distributed devices (paragraphs 0020, 0027 and 0036; Burch discloses mobile devices

having the capability for making measurements and receiving data information from the transceiver station).

However, Burch does not explicitly disclose:

- wherein the means for diffusing includes means for determining a relative staleness of a set of configuration data stored in the distributed devices.

Vandermeijden discloses a system and method for the acquisition of automobile traffic data through wireless networks comprising:

- wherein the means for diffusing includes means for determining a relative staleness of a set of configuration data stored in the distributed devices (col. 3, lines 53-67, col. 4, lines 1-19, col. 9, lines 35-40 and col. 10, lines 9-19; Vandermeijden discloses receiving data from mobile devices at the traffic server and determining if any stale data is stored in the database).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Burch by periodically checking the database for stale data and removing the stale data for the purpose of providing raw data between the mobile devices and traffic server in order to analyze traffic data to determine traffic conditions in a timely and efficient manner.

As per claim 2, Burch discloses:

- wherein the configuration data source includes a source kiosk that obtains the configuration data from an application server (paragraph 0035; Burch discloses receiving data from the cellular base transceiver station from an application specific functionality block).

As per claim 3, Burch discloses:

- wherein the configuration data source is co-located with a service provider accessible by one or more of the distributed devices (paragraphs 0026 and 0027).

As per claim 4, Burch discloses:

- wherein the means for diffusing includes means for forming a communication channel with a kiosk (paragraphs 0035).

As per claim 5, Burch discloses:

- wherein the means for forming a communication channel includes means for forming a communication channel in response to a physical proximity to the kiosk (paragraph 0049).

As per claim 6, Burch discloses:

- wherein the means for diffusing includes means for forming a communication channel with another of the distributed devices (paragraph 0049).

As per claim 7, Burch discloses:

- wherein the means for forming a communication channel includes means for forming a communication channel in response to a physical proximity (paragraph 0049).

As per claim 8, Burch discloses:

- wherein the means for diffusing includes means for determining a relative staleness of a set of configuration data stored in a kiosk and a set of configuration data stored in the distributed devices (paragraph 0051).

As per claim 10, Burch a method for configuring a set of distributed devices, comprising the steps of:

- providing to one or more of the distributed devices a set of configuration data that specifies a measurement/control function (paragraphs 0021 and 0022; Burch discloses measuring attributes of the devices such as date, time, light levels, etc.) ;
- diffusing the configuration data among the distributed devices (paragraphs 0020, 0027 and 0036; Burch discloses mobile devices having the capability for making measurements and receiving data information from the transceiver station).

However, Burch does not explicitly disclose:

- wherein the step of diffusing includes the step of determining a relative staleness of different sets of configuration data.

Vandermeijden discloses a system and method for the acquisition of automobile traffic data through wireless networks comprising:

- wherein the step of diffusing includes the step of determining a relative staleness of different sets of configuration data (col. 3, lines 53-67, col. 4, lines 1-19, col. 9, lines 35-40 and col. 10, lines 9-19; Vandermeijden discloses receiving data from mobile devices at the traffic server and determining if any stale data is stored in the database).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Burch by periodically checking the database for stale data and removing the stale data for the purpose of providing raw data between the mobile devices and traffic server in order to analyze traffic data to determine traffic conditions in a timely and efficient manner.

As per claim 11, Burch discloses:

- wherein the step of providing includes the step of obtaining the configuration data from an application server (paragraph 0035; Burch discloses receiving data from the cellular base transceiver station from an application specific functionality block) .

As per claim 12, Burch discloses:

- wherein the step of providing includes the step of co-locating the configuration data with a service provider accessible by one or more of the distributed devices (paragraphs 0026 and 0027) .

As per claim 13, Burch discloses:

- wherein the step of diffusing includes the step of forming a communication channel between a pair of the distributed devices (paragraph 0049) .

As per claim 14, Burch discloses:

- wherein the step of forming a communication channel includes the step of forming a communication channel in response to a physical proximity of the pair (paragraph 0049).

As per claim 15, Burch discloses:

- wherein the step of diffusing includes the step of forming a communication channel with a kiosk (paragraph 0049).

As per claim 16, Burch discloses:

- wherein the step of forming a communication channel includes the step of forming a communication channel with the kiosk in response to a physical proximity of the kiosk (paragraph 0049).

As per claim 18, Burch discloses a distributed device, comprising:

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- means for obtaining a set of configuration data that specifies a measurement/control function from a configuration data source (paragraphs 0021 and 0022; Burch discloses measuring attributes of the devices such as date, time, light levels, etc.); and
- means for diffusing the configuration data to a set of other distributed devices (paragraphs 0020, 0027 and 0036; Burch discloses mobile devices having the capability for making measurements and receiving data information from the transceiver station).

However, Burch does not explicitly disclose:

- wherein the step of diffusing includes the step of determining a staleness of the configuration data.

Vandermeijden discloses a system and method for the acquisition of automobile traffic data through wireless networks comprising:

- wherein the step of diffusing includes the step of determining a staleness of the configuration data (col. 3, lines 53-67, col. 4, lines 1-19, col. 9, lines 35-40 and col. 10, lines 9-19; Vandermeijden discloses receiving data from mobile devices at the traffic server and determining if any stale data is stored in the database).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Burch by periodically checking the database for stale data and removing the stale data for the purpose of providing raw data between the mobile devices and traffic server in order to analyze traffic data to determine traffic conditions in a timely and efficient manner.

As per claim 19, Burch discloses:

- wherein the means for diffusing includes means for forming a communication channel to the other distributed devices (paragraph 0049).

As per claim **20**, Burch discloses:

- wherein the means for forming a communication channel includes means for forming a communication channel in response to a physical proximity (paragraph 0049).

As per claim **21**, Burch discloses:

- wherein the means for diffusing includes means for forming a communication channel to a kiosk (paragraph 0049).

As per claim **22**, Burch discloses:

- wherein the means for forming a communication channel includes means for forming a communication channel in response to a physical proximity of the kiosk (paragraph 0049).

Response to Arguments

3. Applicant's arguments with respect to claims **1-8**, **10-16** and **18-22** have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LASHONDA T. JACOBS whose telephone number is (571)272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LaShonda T Jacobs/
Examiner, Art Unit 2157

ltj
March 24, 2008